

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|  |   |                                  |
|--|---|----------------------------------|
| Miyano Machinery USA Inc.,               | ) |                                  |
|  | ) |                                  |
| Plaintiff,                               | ) |                                  |
|  | ) | Civil Action No. <b>08 C 526</b> |
| v.                                       | ) |                                  |
|  | ) | Hon. Virginia Kendall            |
| MiyanoHitec Machinery, Inc.,             | ) |                                  |
| Thomas ("Tom") Miyano, a/k/a             | ) | Magistrate Judge Nolan           |
| Toshiharu Miyano and Steven Miyano,      | ) |                                  |
| a/k/a Shigemori Miyano,                  | ) |                                  |
|  | ) |                                  |
| Defendants                               | ) | <b>JURY TRIAL DEMANDED</b>       |
| <hr style="border: 0.5px solid black;"/> |   |                                  |
| MiyanoHitec Machinery, Inc.,             | ) |                                  |
| Thomas ("Tom") Miyano, a/k/a             | ) |                                  |
| Toshiharu Miyano and Steven Miyano,      | ) |                                  |
| a/k/a Shigemori Miyano,                  | ) |                                  |
|  | ) |                                  |
| Counterclaim-Plaintiffs                  | ) |                                  |
|  | ) |                                  |
| v.                                       | ) |                                  |
|  | ) |                                  |
| Miyano Machinery USA Inc.                | ) |                                  |
|  | ) |                                  |
| Counterclaim-Defendants                  | ) |                                  |
|  | ) |                                  |
| and                                      | ) |                                  |
|  | ) |                                  |
| Miyano Machinery, Inc.                   | ) |                                  |
|  | ) |                                  |
| Third-Party Defendant                    | ) |                                  |

**TO ANY CONSUL OR VICE CONSUL OF THE UNITED STATES  
AMERICA AT THE OSAKA-KOBE CONSULATE, JAPAN**

Upon the application of Plaintiff Miyano Machinery USA, Inc. and pursuant to Article 17 of the United States – Japan Consular Convention, you have been duly appointed and are hereby authorized to take oral depositions at

the United States Consulate in Osaka-Kobe, Japan of the following witnesses who will appear voluntarily: Ken-Ichi Harada (employed by Kyowa Patent and Law Office, Fuji Building, 2-3, Marunouchi 3-Chome, Chiyoda-ku, Tokyo, Japan), Shoji Takamori (retired and residing at 963-5 Uedahara, Ueda-City, Nagano-ken Japan), and Jisaburo Nakajima (retired and residing at 3-16-54 Kote shinan, Tokorozawa-City Japan).

The depositions will be on successive dates commencing on or about May 28, 2008 at 9:00 a.m. and terminating on or about May 30, 2008 at 5:00 p.m. and will include the marking of any documentary exhibits in connection therewith.

Counsel for Plaintiff Miyano Machinery USA, Inc., who will participate in said depositions, is Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd, 200 West Adams Street, Suite 2850, Chicago, IL 60606.

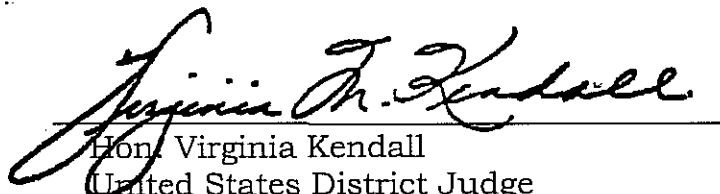
Counsel for Third-party Defendant Miyano Machinery, Inc., who will participate in said depositions are Masuda, Funai, Eifert & Mitchell, Ltd., 203 N. LaSalle Street, Suite 2500, Chicago, IL 60601 and Mori, Hamada and Matsumoto, Marunouchi Kitaguchi Building 1-6-5 Marunouchi, Chiyoda-ku, Tokyo 100-8222, Japan.

Counsel for Defendants, MiyanoHitec Machinery, Inc., Thomas ("Tom") Miyano and Steven Miyano, who will participate in said depositions, are Dowell Baker, P.C., 229 Randolph Street, Oak Park, Illinois 60302; ROBERT M. KARTON, LTD., 77 W. Washington St., Suite 900, Chicago, Illinois 60602;

FRANCISSEN PATENT LAW, P.C., 53 W. Jackson Blvd., Suite 1320, Chicago, Illinois 60604.

The proceedings will be reported by Jodi Harmon or a similarly qualified stenographer and will be interpreted by a Japanese resident. Counsel for Defendants will be assisted by an interpreter who is a Japanese resident. Please cause the testimony of said witnesses to be reduced to writing and the depositions signed by said witnesses and annex said deposition to your commission and close the same under your seal and make return thereof to this court with all convenient speed.

Dated: MAY 02 2008

  
Hon. Virginia Kendall  
United States District Judge  
Northern District of Illinois, Eastern Division  
Chicago, Illinois, U.S.A.